

REMARKS

The claims are 1-5, 8, 9 and 11-13. Claims 1 and 12 have been amended to more closely define applicants' invention. Claim 10 has been cancelled without prejudice or disclaimer of subject matter. Claims 1 and 12 are in independent form. Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following comments.

Claims 1 and 12 have been amended to indicate that the tablet is formed by direct compression. Support can be found, for example, on page 5, lines 21-25 of the specification. Claim 1 has further been amended to remove the requirement that the dextrose monohydrate has an average particle size of about 100 to about 500 microns. As such, no new matter has been introduced by these amendments.

Claims 1, 3-5 and 8-13 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent No. 6,667,050 ("Boissonneault *et al.*") in view of U.S. Patent No. 4,684,534 ("Valentine"). Claims 1, 4, 5, 8 and 10-13 stand rejected under the nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-14 of U.S. Patent No. 6,814,978 ("Bunick *et al.*") in view of U.S. Patent No. 6,270,790 ("Robinson *et al.*") and U.S. Patent No. 4,684,534 ("Valentine"). Applicants respectfully traverse these rejections, in view of the comments set forth below.

Initially, Applicants have addressed the nonstatutory obviousness-type double patenting rejection of Claims 1, 4, 5, 8 and 10-13 by submitting a Terminal Disclaimer under 37 C.F.R. 1.321(c) with this Preliminary Amendment. As such, Applicants respectfully request that the nonstatutory obviousness-type double patenting rejection of Claims 1, 4, 5, 8 and 10-13 be withdrawn.

Among the novel features of Claim 1 is that the tablet recited in Claim 1 includes directly compressible dextrose monohydrate and that the tablet is formed by direct compression.

Boissonneault et al. discloses a chewable oral contraceptive tablet comprising an oral contraceptive agent, a chewable carrier suitable for human consumption, and not comprising a ferrocene compound, as well as use of these tablets in a method of human female oral contraception, and in a method of enhancing compliance with a human female oral contraceptive regimen.

A review of *Boissonneault et al.*, has not found it to disclose or suggest forming a tablet by direct compression. Nor does *Boissonneault et al.* disclose or suggest including dextrose monohydrate in a tablet. *See Office Action, p. 2, line 17.*

On the other hand, Claim 1 recites a tablet that includes dextrose monohydrate and is formed by direct compression.

Therefore, Claim 1 is patentable over *Boissonneault et al.*

The deficiencies of *Boissonneault et al.* are not remedied by *Valentine*. *Valentine* discloses a chewable tablet, which resists absorption of moisture but which quickly liquefies and melts in the mouth within seconds of mastification. The tablets contain active ingredients and excipients or base material made from carbohydrates including dextrose, dextrose monohydrate, maltodextrin, fructose, sucrose, lactose, maltose and xylose held together by small quantities of a carbohydrate binder such as maltodextrin. *Valentine* further discloses that the tablet is formed by granulation and compression techniques, and not through direct compression of its ingredients.

As such, *Valentine* is not seen to teach or suggest a tablet formed by direct compression.

Therefore, Applicants respectfully submit that Claim 1 is patentable over *Boissonneault et al., Valentine*, whether considered separately or in combination.

Like Claim 1, Claim 12 includes the features that the tablet include directly compressible dextrose monohydrate and that the tablet is formed by direct compression. For at least the reasons stated above for Claim 1, Claim 12 is patentable over *Boissonneault et al., Valentine*, whether considered separately or in combination.

Claims 2-5, 8, 9 and 11 depend from Claim 1, and Claim 13 depends from Claim 12. These claims are also believed to be patentable over the cited references, since they depend from a patentable base claim.

In view of the foregoing remarks, Applicants respectfully request favorable reconsideration and allowance of the claims in the present application.

Applicants' undersigned attorney may be reached in our office by telephone at (732) 524-1767. All correspondence should continue to be directed to our below listed address.

If any fees are due in connection with the filing of this Response, authorization is hereby given to charge the amount of such fee to Deposit Account No. 10-0750/MCP0262NP/VT in the name of Johnson & Johnson.

Respectfully submitted,

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